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IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

January 28, 2021

Victoria Newton
Executive Secretary
Executive Council
State Capitol
LOCAL

Re: Retention of Special Counsel


Dear Victoria:

Our office requests authorization pursuant to Iowa Code section 13.7 to retain special counsel to provide specialized legal services and representation to Iowa State University (ISU) with respect to an uninsured property loss. We also recommend pursuant to Iowa Code section 23B that the law firm be retained on a contingent-fee basis.

On May 12, 2020, ISU sustained a significant property loss at the Vet Med Diagnostic Lab. A portion of the loss sustained was covered by commercial insurance provided by Cincinnati Insurance Company. However, a substantial part of the loss was uninsured. ISU and this office agree it is in the public interest to attempt to recover for this loss. Cincinnati has retained counsel to prosecute a subrogation claim related to this loss and has proposed to include ISU's uninsured loss in those recovery efforts. The proposed contingent fee would be 25 percent. This office has determined that this proposed contingent representation is both cost effective and in the public interest. This office lacks sufficient resources to dedicate to this type of representation; the matter would require a significant commitment of time and labor; the venue for the matter would be governed by the insurance dispute; and the counsel retained by Cincinnati has significant specialized experience in this area of the law. We have also determined that a procurement process is not feasible under these unique circumstances.

We therefore recommend approval of the law firm of Grotefeld Hoffmann, 6034 West Courtyard Drive, Suite 200, Austin, Texas 78730, as special counsel. Fees will be in accordance with a separate contingent fee agreement between ISU and special counsel which shall comply with the requirements of Iowa Code section 23B.3.

Sincerely,


JEFFREY S. THOMPSON
Solicitor General